

MILITARY SERVICE

*Exchange of notes at Washington March 31, June 9, August 12, and
October 7 and 31, 1942*

Entered into force June 11, 1942

*Terminated March 31, 1947*¹

56 Stat. 1921; Executive Agreement Series 310

The Acting Secretary of State to the South African Minister

DEPARTMENT OF STATE

WASHINGTON

March 31, 1942

SIR:

I have the honor to inform you that the Selective Training and Service Act of 1940,² as amended, provides that with certain exceptions every male citizen of the United States and every other male person residing in the United States between the ages of 18 and 65 shall register. The Act further provides that, with certain exceptions, registrants within specified age limits are liable for active military service in the United States armed forces.

This Government recognizes that from the standpoint of morale of the individuals concerned and the over-all military effort of the countries at war with the Axis Powers, it would be desirable to permit certain classes of individuals who have registered or who may register under the Selective Training and Service Act of 1940, as amended, to enlist in the armed forces of a co-belligerent country, should they desire to do so. It will be recalled that during the World War this Government signed conventions with certain associated powers on this subject. The United States Government believes, however, that under existing circumstances the same ends may now be accomplished through administrative action, thus obviating the delays incident to the signing and ratification of conventions.

This Government is prepared, therefore, to initiate a procedure which will permit aliens who have registered under the Selective Training and Service Act of 1940, as amended, who are nationals of co-belligerent countries and who have not declared their intention of becoming American citizens to elect to serve in the forces of their respective countries, in lieu of service in

¹ Upon termination of functions of U.S. Selective Service System (60 Stat. 341).

² 54 Stat. 885.

the armed forces of the United States, at any time prior to their induction into the armed forces of this country. Individuals who so elect will be physically examined by the armed forces of the United States, and if found physically qualified, the results of such examinations will be forwarded to the proper authorities of the co-belligerent nation for determination of acceptability. Upon receipt of notification that an individual is acceptable and also receipt of the necessary travel and meal vouchers from the co-belligerent government involved, the appropriate State Director of the Selective Service System will direct the local Selective Service Board having jurisdiction in the case to send the individual to a designated reception point for induction into active service in the armed forces of the co-belligerent country. If upon arrival it is found that the individual is not acceptable to the armed forces of the co-belligerent country, he shall be liable for immediate induction into the armed forces of the United States.

Before the above-mentioned procedure will be made effective with respect to a co-belligerent country, this Department wishes to receive from the diplomatic representative in Washington of that country a note stating that his government desires to avail itself of the procedure and in so doing agrees that:

(a) No threat or compulsion of any nature will be exercised by his government to induce any person in the United States to enlist in the forces of any foreign government;

(b) Reciprocal treatment will be granted to American citizens by his government; that is, prior to induction in the armed forces of his government they will be granted the opportunity of electing to serve in the armed forces of the United States in substantially the same manner as outlined above. Furthermore, his government shall agree to inform all American citizens serving in its armed forces or former American citizens who may have lost their citizenship as a result of having taken an oath of allegiance on enlistment in such armed forces and who are now serving in those forces that they may transfer to the armed forces of the United States provided they desire to do so and provided they are acceptable to the armed forces of the United States. The arrangements for effecting such transfers are to be worked out by the appropriate representatives of the armed forces of the respective governments.

(c) No enlistments will be accepted in the United States by his government of American citizens subject to registration or of aliens of any nationality who have declared their intention of becoming American citizens and are subject to registration.

This Government is prepared to make the proposed regime effective immediately with respect to the Union of South Africa upon the receipt from you of a note stating that your government desires to participate in it and

agrees to the stipulations set forth in lettered paragraphs (a), (b), and (c) above.

Accept, Sir, the renewed assurances of my highest consideration.

SUMNER WELLES
Acting Secretary of State

The Honorable

RALPH WILLIAM CLOSE, K.C.,
Minister of the Union of South Africa.

The South African Minister to the Secretary of State

LEGATION OF THE
UNION OF SOUTH AFRICA
WASHINGTON, D.C.
9th June, 1942

32/4

SIR,

I have the honour to refer to your Note of 31st March, 1942, and to inform you on instructions of my Government that the Government of the Union of South Africa are desirous of participating in the procedure under which certain classes of aliens are permitted on conditions outlined in your note, to elect for service in their own national armed forces in lieu of service in the United States armed forces as provided by the Selective Service Act of 1940.

I am also directed to say that the Government of the Union of South Africa agrees to the stipulations set forth in the lettered paragraphs A, B and C of your note.

In accepting the procedure and the conditions which govern it the Union Government proposes as a further proviso that all Union Nationals who may be affected by the arrangement should be attested as volunteers by this Legation before they leave the U.S.A.

Although the Union Government do not specifically indicate the reason for this proviso it is clear that such attestation is necessary in order that nullification of the procedure on the part of the Union Nationals concerned may be obviated, inasmuch as compulsory military service is not applicable in the Union of South Africa. As you may be aware the Union's armed forces are composed of volunteers only.

I shall be glad to learn as soon as possible whether the proviso indicated above is acceptable to the United States Government, and if that is the case, on what date the procedure can be regarded as taking effect.

I shall also be glad to receive in due course such practical details for carrying out of the procedure, as may be available.

Accept, Sir, the renewed assurance of my highest consideration.

RALPH W. CLOSE
Minister

The Honourable the SECRETARY OF STATE,
Department of State,
Washington, D.C.

The Secretary of State to the South African Minister

DEPARTMENT OF STATE
WASHINGTON
August 12, 1942

SIR:

I have the honor to refer to your note no. 32/4 of June 9, 1942, in which you refer to the Department's note of March 31, 1942, on the subject of arrangements between the Union of South Africa and this Government concerning the services of the nationals of one country in the armed forces of the other. You state that the Government of the Union of South Africa agrees to the stipulations set forth in paragraphs (a), (b) and (c) of the Department's note, and proposes as a further proviso that all Union Nationals who may be affected by the arrangement should be attested as volunteers by the Legation of the Union of South Africa before they leave the United States.

I have the honor to inform you that the appropriate authorities of this Government consider your note to contain satisfactory assurances, and that, accordingly, the arrangement may become effective at any time.

The Selective Service System has indicated that it assumes that all arrangements relating to this matter will be identical with those now in effect in the case of Canada, which are outlined in the Memorandum to All State Directors, a copy of which is attached for your information.³ The Director of Selective Service also desires to stress that it is important that the persons to be taken into the armed forces of South Africa under the arrangement should actually be accepted as such by the Government of the Union of South Africa before the time of their departure.

I shall be pleased to receive from you an indication as to whether your Government agrees to the proviso made by the Selective Service System.

³ Not printed here.

If so, it is suggested that your Government indicate the date on which it is desired that the arrangement become effective.

Accept, Sir, the renewed assurances of my highest consideration.

For the Secretary of State:

G. HOWLAND SHAW

Enclosure:

Memorandum to All State Directors (I-422)

The Honorable

RALPH WILLIAM CLOSE, K.C.,

Minister of the Union of South Africa.

The South African Minister to the Secretary of State

LEGATION OF THE
UNION OF SOUTH AFRICA
WASHINGTON, D.C.

7th OCTOBER, 1942

SIR,

I have the honour to refer to your note of August 12th, 1942, on the subject of arrangements between the United States and the Union of South Africa under which the nationals of one country, residing in the territory of the other, may elect to serve in their own national armed forces.

You state that the Director of Selective Service desires to stress that it is important that the persons to be taken into the armed forces of the Union of South Africa should actually be accepted as such by the Government of the Union of South Africa, before the time of their departure. I am directed by my Government to give the assurance that volunteers attested by the Legation will be so accepted by the Government of the Union of South Africa.

You state also that the Selective Service System assumes that the procedure relating to the transfer of registrants to the armed forces of the Union of South Africa will be identical with that now in effect in the case of Canada, which is outlined in Selective Service System Memorandum No. 1-422 dated May 2nd, 1942.

With the exception of paragraphs 6(a) and 7, it is agreed that the procedure outlined in the Memorandum may be conveniently applied to the Union of South Africa. In view of the fact that there may be delays in obtaining transportation for persons accepted by the Government of the Union of South Africa, it would be appreciated if modifications in procedure, on lines similar to those applied for the United Kingdom, could be

accepted. The modifications contemplated for the Union of South Africa are to the following effect:

(a) that instead of endorsing the time and place of reporting and instead of enclosing meal and transportation vouchers in returning the forms, as required by paragraph 6(a), the Legation endorse Form 503 to the effect that the registrant will be directly notified as to time and place for reporting for induction and will then be provided with transportation and subsistence vouchers by the Legation.

(b) that the procedure outlined in paragraph 7 be so modified that if the registrant does report, the Legation will complete Form 503 "Report of Induction", by entering as the place of induction the "Port of Embarkation".

I shall be glad to learn whether these modifications in procedure are acceptable to the United States Government. If so, the Government of the Union of South Africa would be prepared to make the proposed arrangements effective immediately upon receipt of your note in reply.

Accept, Sir, the renewed assurances of my highest consideration.

RALPH W. CLOSE

The Honourable the SECRETARY OF STATE,
Department of State,
Washington, D.C.

The Secretary of State to the South African Minister

WASHINGTON
October 31, 1942

SIR:

I have the honor to acknowledge the receipt of your note of October 7, 1942, in further reference to the proposed arrangement between the United States and the Union of South Africa concerning the services of nationals of one country in the armed forces of the other country. You state that your Government gives the assurance that persons desiring to opt for service in the South African forces under the arrangement will be accepted by your Government prior to their departure.

I am pleased to state that this Government considers that your Government has given all the necessary assurances. Accordingly, the arrangement with the Union of South Africa is now regarded as being in effect, and the appropriate authorities of this Government are being informed accordingly.

In this connection, I also take pleasure in informing you that the War Department is prepared to discharge, for the purpose of transferring to the

armed forces of their own country, nondeclarant South African nationals now serving in the United States forces who have not heretofore had an opportunity of electing to serve in the forces of their own country, under the same conditions existing for the transfer of American citizens from the South African forces.

In regard to the various questions of procedure contained in your note under acknowledgment, I may state that these matters may be discussed directly between officials of the Legation and officers of the Selective Service System and of the War Department. Major Sherrow G. Parker of the Selective Service System, and Major V. L. Sailor of the Recruiting and Induction Section of the War Department, will be available to discuss with representatives of the South African Legation all matters relating to the practical details of the arrangement. I do not doubt that mutually satisfactory arrangements can be made in regard to the points mentioned in your note.

Accept, Sir, the renewed assurances of my highest consideration.

For the Secretary of State:

G. HOWLAND SHAW

The Honorable,

RALPH WILLIAM CLOSE, K.C.,

Minister of the Union of South Africa.